



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable T. C. Walton, President
Agricultural and Mechanical College of Texas
College Station, Texas

Dear Sir:

Attention: Mr. E. L. Angell

Opinion No. 0-4756

Re: Whether the described travel
expense may be allowed as for
"State business."

This is in reply to your letter of July 31, 1942,
which reads as follows:

"Can A. & M. College legally pay travel
expense in the following cases:

"(1) Head of the Dairy Husbandry Department to Toronto, Canada, to participate in an Inter-American conference for the dairy industry.

"On October 4, 1941, the Board of Directors of the A. & M. College approved the request of Professor C. H. Shepardson, Head of the Dairy Husbandry Department, to make this out-of-state trip at College expense.

"The voucher covering the expenses of this trip was returned from the Comptroller's Office for a more detailed explanation of the purposes of the trip. The voucher was again returned by the Comptroller, suggesting that it be referred to your office for a ruling as to the legality of the College's paying the account.

"The purpose, scope, and relation of this conference to the work at A. & M. College are set forth in a letter of explanation written by Professor Shepardson, which is quoted below:

Honorable T. C. Walton, President, Page 2

"This conference included government and industry representatives from most of the American countries and was highly important to the work of this department since it involved the training of Latin American students for dairy work and the sale and shipment of dairy cattle to Central and South America.

"By reason of its location, this institution is vitally concerned with these problems. We are encouraging the training of Latin American students here and have already graduated a number of these students who have returned to their own countries to enter various fields of the dairy industry. We have also been called on to assist in locating dairy cattle for export to these countries and have made several shipments from our own herd during the past few years.

"It is important that this institution be represented at conferences dealing with these problems and methods of handling them if it is to hold its position of leadership in fostering Latin American relations and the training of students for this work.

"(2) Professor of Animal Husbandry to go to Chicago, Illinois, to confer with committee of animal production on the evaluation of feeds.

"On October 25, 1941, the Board of Directors of the College approved this request for out-of-state travel at College expense.

"Professor Pearson furnishes the following statement as to the work of this committee and its relationship to the work at A. & M. College, which is quoted below:

"The work of the committee of the American Society of Animal Production and the new feed standards upon which they decide have a direct relation to the cattle and dairy production in the State of Texas and to the Agricultural and Mechanical College of Texas, as well as to the Department of Animal Husbandry. The Board of

Honorable T. O. Walton, President, Page 3

Directors of the Agricultural and Mechanical College of Texas felt that this meeting was of sufficient importance and benefit to the College for the expenses to be allowed.

"At the suggestion of the Comptroller of Public Accounts, we are attaching the expense vouchers of these two accounts."

Subsection (3) of House Bill 272, Forty-seventh Legislature, reads in part as follows:

"Subsection (3). Institutional Receipts. No property belonging to any of the institutions herein provided for, or any agency thereof, shall be sold or disposed of without the consent of its governing board, and all proceeds from the sale of such property, from labor performed, from the sale of materials, crops and supplies, from fees, and any and all other receipts shall become and are hereby appropriated as maintenance or contingent fund to be expended under the direction and with the approval of the governing board having jurisdiction. Said governing boards are authorized to use out of the proceeds of said receipts and funds, in accordance with the provisions of this Act, such amounts as they shall deem necessary for the support, maintenance, operation and improvements of said institutions. . . ." (Emphasis ours)

Subsection (6) of H. B. 272, Forty-seventh Legislature, reads in part as follows:

"Subsection (6). Traveling Expenses. All persons employed in any capacity by these State educational institutions and agencies, except heads of the institutions named in this Act and members of the boards who do not receive an annual or monthly salary, who travel at the expense of the State, are limited to the same amounts authorized for employees of the State Departments, and the Comptroller and local disbursing officer shall require the same method of claim presentation and forms. No traveling expenses shall be

Honorable T. O. Walton, President, Page 4

incurred by board members, heads of institutions, or by any employee of any of the schools, or other agencies named herein, inside or outside of the boundaries of the State of Texas, except for State business, and no travel shall be performed outside the State except upon the advance written consent of the school's Board of Regents or directors. The term 'maintenance' may include the traveling expenses. . ."

Matters very similar to those about which you inquire previously have been reviewed by this Department in our Opinions Nos. 0-4267 and 0-4387, copies of which are attached hereto.

Under these holdings we conclude that the expenses mentioned in your letter were incurred in performance of "State business."

It affirmatively appears from your letter and the expense accounts of Professors Shepardson and Pearson that all other requirements prescribed in Subsections (3) and (6) of H. B. 272, Acts of the Forty-seventh Legislature, have been met.

It is our opinion that the traveling expenses referred to in your letter can legally be paid.

We are returning herewith all papers accompanying your letter of request.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Woodrow Edwards
Woodrow Edwards
Assistant

WE:LM

ENCLOSURES

Gerald E. Mann

